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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,490	12/21/2001	Takamitsu Aoki	393032029800	2061

25224 7590 07/16/2004  
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EXAMINER

JACOBSON, TONY M

ART UNIT PAPER NUMBER

2644

DATE MAILED: 07/16/2004

7

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/027,490

Applicant(s)

AOKI ET AL.

Examiner

Tony M Jacobson

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, and 5-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Midiman Delta DiO 2496 User's Manual (Reference U).

3. Regarding claims 1 and 6, Reference U discloses a signal processing apparatus (the Delta DiO 2496 digital audio interface card) comprising an adjusting device (comprised in the adapter card of Fig. 1 in conjunction with a compatible personal computer) and that subjects a sound signal that is input, to a process of adjusting at least one of sound volume and sound quality (sound volume) at a plurality of metering points (the individual channel inputs and the master signal outputs) on a signal path along which the input sound signal is transmitted (page 10, paragraphs 1 and 4); a condition determining device that determines whether the input sound signal satisfies a condition that a level of the sound signal exceeds a predetermined value at each of the plurality of metering points on the signal path along which the input signal is transmitted; and an alarm display device (the level displays of the software control panel, illustrated on page 9) that displays an alarm when said condition determining device determines that the input sound signal satisfies the condition at at least one of the plurality of

metering points. (For any of the discrete level segments of the level indicators, the illumination of that segment indicates that the level of the input sound signal exceeds a corresponding predetermined value at that metering point. See page 10, paragraph 2. Also, in order to operate as described, a condition determining device is inherently present to determine the indicated conditions.) In normal operation, the apparatus performs an adjusting step of subjecting a sound signal that is input, to a process of adjusting at least one of sound volume and sound quality at a plurality of metering points on a signal path along which the input sound signal is transmitted; a condition determining step of determining whether the input sound signal satisfies a condition that a level of the sound signal exceeds a predetermined value at each of the plurality of metering points on the signal path along which the input signal is transmitted; and an alarm display step of displaying an alarm when said condition determining step determines that the input sound signal satisfies the condition at at least one of the plurality of metering points.

4. Regarding claim 2, the method performed in normal operation by the apparatus of Reference U further comprises a mixing step of mixing the sound signal subjected to the adjusting processing and outputting the mixed sound signal (page 3, lines 7-8).

5. Regarding claim 3, in the method preformed by the apparatus of Reference U in normal operation, the sound signal comprises a plurality of sound signals input for a plurality of channels, respectively, and said plurality of metering points are provided on

Art Unit: 2644

a signal path of each of the plurality of channels along which a corresponding one of the input sound signals is transmitted (according to the general disclosure; see pages 9-12).

6. Regarding claim 5, the system of Reference U includes a program executed by a computer, and since it performs the recited functions, as described above regarding claims 1 and 6, it inherently must comprise an adjusting module, a condition determining module, and an alarm display module to perform these functions.

7. Regarding claim 7, the alarm display device (the discrete level meter system illustrated on page 9) is provided on the signal path at each of the plurality of metering points.

### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Midiman Delta DiO 2496 User's Manual (Reference U).

Art Unit: 2644

10. Regarding claim 4, as described above regarding claims 1 and 6, the plurality of metering points on the signal path along which the input sound signal is transmitted include at least first and second metering points (input channels and master output channels, respectively). The method performed by the apparatus includes a first display step of displaying a level of the sound signal at the first metering point on a first screen and a second display step of displaying a level of the sound signal at the second metering point on the same screen, wherein the alarm is displayed on the first screen by said alarm display step. Reference U does not disclose a second screen displaying a level of the sound signal at the second metering point. Official notice is taken that it was well known in the computer programming arts at the time the present invention was made to divide a complex set of graphics to be displayed among a plurality of screens in order to allow the information to be displayed at a reasonable resolution and to make the information being conveyed less cluttered and thus easier to understand. It would have been obvious to one of ordinary skill in the art at the time the present invention was made to split the information of the Monitor Mixer page (screen) of Reference U (page 9) among a plurality of display screens, such that the master output level indicators are displayed on a different screen from that on which the input level indicators are displayed in order to provide a greater display resolution and to make the display screens less cluttered and easier to understand.

***Conclusion***

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tony M Jacobson whose telephone number is 703-305-5532. The examiner can normally be reached on M-F 11:00-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W Isen can be reached on 703-305-4386. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

tmj  
July 12, 2004



XU MEI  
PRIMARY EXAMINER